

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Technology Transitions Policy Task Force)	GN Docket No. 13-5
)	DA 13-1016
)	

**REPLY COMMENTS OF THE CHAIRMAN OF THE PUBLIC SERVICE
COMMISSION OF THE DISTRICT OF COLUMBIA**

Betty Ann Kane, Chairman of the Public Service Commission of the District of Columbia (“Commission” or “DC PSC”) hereby submits these Reply Comments to the Federal Communications Commission (“FCC”) in the above-captioned matter.¹ The Task Force seeks comment on potential trials relating to technology transitions from copper to fiber, from wireline to wireless and from time-division multiplexing (“TDM”) to Internet Protocol (“IP”).² Chairman Kane supports the development of trials to produce data and experiences upon which state and federal jurisdictions can base policy decisions regarding use of new technologies. However, Chairman Kane agrees with those commenters who have pointed out that these trials could have a profound effect on consumers, competitors and other stakeholders.³ Because of these profound effects, and because State Public Utility Commissions are uniquely aware of the local conditions affecting consumers competitors and others, it is essential that the States have a significant collaborative role in developing and evaluating these trials. The most efficient and effective way to assure that collaborative role is to refer technology transition trials to the Federal-State Joint Board on Universal Service (“Universal Service Joint Board” or “Joint Board”).

¹ See *Technology Transitions Policy Task Force Seeks Comment on Potential Trials*, GN Docket No. 13-5, FCC Public Notice DA 13-1016, rel. May 10, 2013 (“Public Notice”).

² Public Notice at 1.

³ See, e.g., GN Dkt. No. 13-5, *Comments of the Massachusetts Department of Telecommunications and Cable*, filed July 5, 2013, at 2.

A. A Structured Collaborative Effort Will Help to Assure the Success of the Technology Transition Trials.

It is clear from the Comments filed in this proceeding that both the States and the FCC recognize the need for collaboration on the key issues to be addressed during any technology transition trials. As stated by the Indiana Utility Regulatory Commission, state commissions are “uniquely positioned with a local presence which allows them to be fully aware and deal effectively with issues requiring consideration of different and sometimes competing interests.”⁴ Similarly, the New Jersey Division of Rate Counsel recommends that “the FCC coordinate closely with state regulators and consumer advocates to ensure that the FCC’s selection and assessment of various trials benefit from state and consumers’ unique and ‘on the ground’ perspectives.”⁵ Other states also emphasize the need for state involvement and coordination on issues.⁶

In addition, some of these technology transition issues are already before the States. The New York Public Service Commission provided temporary authority for the use of Voice Link on the western portion of Fire Island, NY.⁷ However, New York notes that its temporary approval is not a trial, nor is it a signal that New York has approved the abandonment of copper facilities or wireline service.⁸ New York is seeking comments from interested parties and stakeholders on Verizon’s technology, service plans, and delivery and clearly will study the issue. In the same vein, the DC PSC has launched an investigation into issues related to Verizon Washington DC Inc.’s continued use of copper infrastructure for the provision of telecommunications services.⁹ That investigation will include the question of whether, and under what circumstances, Verizon plans to “transition customers from telecommunications services provided over copper facilities to telecommunications services provided over fiber facilities.”¹⁰

⁴ GN Dkt. No. 13-5, *Comments of the Indiana Utility Regulatory Commission on Possible Technology Transition Trials*, filed July 8, 2013, at 2.

⁵ GN Dkt. 13-5, *Initial Comments of the New Jersey Division of Rate Counsel*, July 8, 2013, at 31.

⁶ See, e.g., GN Dkt. 13-5, *Joint Comments of the Minnesota Public Utilities Commission and the Minnesota Department of Commerce*, July 3, 2013, at 4-5; *Comments of the Michigan Public Service Commission*, July 8, 2013, at 6; *Letter of the New York State Public Service Commission*, July 8, 2013, at 5 (“New York Letter”); *Letter of the Nebraska Public Service Commission*, July 8, 2013, at 1; *Comments of the California Public Utilities Commission and the People of the State of California*, July 8, 2013, at 10-11; *Reply Comments of the Public Service Commission of Wisconsin*, July 16, 2013, at 3.

⁷ New York Letter at 2.

⁸ *Id.*

⁹ *Formal Case No. 1102, In the Matter of the Investigation into the Continued Use of Verizon Washington DC, Inc.’s Copper Infrastructure to Provide Telecommunications services*, Order No. 17045, rel. January 17, 2013.

¹⁰ *Id.* at 1

Other states are likely looking into similar issues relating to the transition from TDM to IP, copper to fiber, wireline to wireless. It is extremely important that the valuable experience gained within the States be included when considering technology transition at a federal level.

Of course, I agree with my colleagues that a collaborative effort is necessary. I also believe that it is important for that collaborative effort to be focused and structured. A loose effort at collaboration, or an effort that only includes after-the-fact kibitzing, will not serve the consumers, service providers, or regulators well. It is for this reason that I recommend an existing structure, the Universal Service Joint Board, to be the vehicle for that collaborative effort.

B. The Federal-State Joint Board on Universal Service Provides an Existing and Time-Tested Structure for Collaboration.

The Joint Board is an existing, statutorily created entity that has authority to recommend to the Commission matters relating to the Universal Service Principles.¹¹ These principles: quality services at reasonable rates; access to advanced services; access to rural and high cost areas; equitable contributions; specific and predictable support mechanisms; and access to advanced services for schools, health care facilities and libraries, should be among the highest priorities as we consider transitions to new technologies. By referring the issues in General Docket No. 13-5 to the Joint Board, the Commission will be assured that these principles will receive the proper consideration when the balancing of priorities begins.

Moreover, other intergovernmental consultative bodies lack adequate funding, staff resources, or established procedures. Some are not yet established and others will soon cease operations.¹² It is important that an already established mechanism be the vehicle for collaboration in this case so that issues regarding transition trials can be quickly and efficiently addressed. It is not appropriate for collaboration to occur only after the decisions have been made.

For this reason, I sponsored a Resolution at the recent National Association of Regulatory Utility Commissioners ("NARUC") Summer Committee Meetings that asks that the FCC refer any proposed or future technology transition trials to an adequately funded Federal-State Joint Board on Universal Service for collaborative review with the State Commissions and advice regarding the design, geographic application, selection of applicants and evaluation of the trials

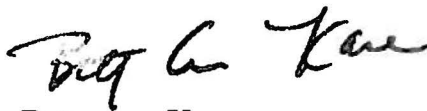
¹¹ See 47 U.S.C. §254 (a) and (b); see also 47 U.S.C. §410(c).

¹² For example, the National Association of Regulatory Utility Commissioners Task Force on Federalism and Telecommunications is chartered for only twelve months, beginning in November 2012. See Charter of the Task Force on Federalism and Telecommunications, available at <http://www.naruc.org/resources.cfm?p=468>.

and any subsequent policy recommendations necessary to maintain and advance the statutorily protected universal service concept.¹³ I have attached that resolution to these Reply Comments.

In sum, the importance of implementing technology transitions in a collaborative manner cannot be overstated. The most efficient and effective vehicle for accomplishing this is the Federal-State Joint Board on Universal Service. The FCC should immediately refer the issues in this proceeding to that Joint Board.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Betty Ann Kane".

Betty Ann Kane

Chairman

Public Service Commission of the District of Columbia

1333 H Street, Second Floor, West Tower

Washington, D.C. 20005

202-626-5100

August 7, 2013

¹³ *TC-4 Resolution Concerning Numbering and Technology Transition Trials for Voice over Internet Protocol and Other IP-Enabled Services*, adopted by the NARUC Board of Directors, July 24, 2013.